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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,666	10/25/2000	Andy Kahn	103.1049.01	4165

22883 7590 02/10/2004  
SWERNOFSKY LAW GROUP PC  
P.O. BOX 390013  
MOUNTAIN VIEW, CA 94039-0013

EXAMINER
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TORRES, JOSEPH D

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 02/10/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/696,666

Applicant(s)

KAHN ET AL.

Examiner

Joseph D. Torres

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) 52-71 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I, claims 1-51 in Paper No. 11 are acknowledged.

This application contains claims 52-71 drawn to an invention nonelected without traverse in Paper No. 11. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

### ***Claim Objections***

2. In view of Amendment B of Paper No. 11, the Examiner withdraws the previous claim objections in Paper No. 6.

### ***Claim Rejections - 35 USC § 112***

3. In view of Amendment B of Paper No. 11, the Examiner withdraws the previous 35 USC § 112 rejections in Paper No. 6.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-51 filed 15 July 2003 in Paper No. 8 have been fully considered but they are not persuasive.

The Applicant contends, "Applicants understand Dewey's parity blocks to be on different disks than the corresponding data. This is believed to be entirely different from the arrangement now recited by claim 1, in which a storage block on a disk drive has both the data and the error code portion responsive to the data portion".

The Examiner asserts that The Authoritative Dictionary of IEEE Standards Terms defines disk drive as an electromechanical device that reads from and writes to disks.

The teaching reference Brown; Dana H. et al. (US 5392290 A) teaches in lines 18-20 of column 1 that a disk drive is an information storage device which utilizes at least one rotatable magnetic disk to store information. In Figure 5 of the Applicant's disclosure, the Applicant teaches a single disk drive 135 for reading and writing to five disks.

Therefore there is no difference in the teachings from the Dewey patent and the language of claim 1 since the plurality of storage blocks for a disk drive in claim 1 are a plurality of storage blocks for an array of one or more disks belonging to a single disk drive and hence the storage blocks of claim 1 are not restricted to a single disk.

The Examiner disagrees with the applicant and maintains all rejections of claims 1-51.

All amendments and arguments by the applicant have been considered. It is the Examiner's conclusion that claims 1-51 are not patentably distinct or non-obvious over the prior art of record in view of the references, Dewey, Douglas William et al. (US 5864655 A) and Suganuma, Tomoyuki et al. (US 5666511 A) as applied in the last office action, Paper No. 6. Therefore, the rejection is maintained.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 18-23 and 35-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Dewey, Douglas William et al. (US 5864655 A, hereafter referred to as Dewey).

See Paper No. 6 for detailed action of prior rejections.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 7-10, 12-17, 24-27, 29-34, 41-44 and 46-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dewey, Douglas William et al. (US 5864655 A, hereafter referred to as Dewey).

35 U.S.C. 103(a) rejection of claims 7, 8, 12-17, 24, 25, 29-34, 41, 42 and 46-51.

See Paper No. 6 for detailed action of prior rejections.

35 U.S.C. 103(a) rejection of claims 9, 10, 26, 27, 43 and 44.

Dewey, substantially teaches the claimed invention described in claims 1-8, 18-25 and 35-42 (as rejected above).

However Dewey, does not explicitly teach the specific use of an additional checksum for checking the integrity of said error correction portion.

The Examiner asserts that the error correction portion checks for the integrity of the combined data portion and the error correction portion hence inherently checks for the integrity of the error correction portion. One of ordinary skill in the art at the time the invention was made would have been highly motivated to use additional checksums to increase the error protection of the data portion and the error correction portion.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Dewey by including use of an additional checksum for checking the integrity of said error correction portion. This modification would have been obvious to one of ordinary skill in the art, at the time the invention was made, because one of ordinary skill in the art would have recognized that use of an

additional checksum for checking the integrity of said error correction portion would have provided the opportunity to increase the error protection of the data portion and the error correction portion.

7. Claims 11, 28 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dewey, Douglas William et al. (US 5864655 A, hereafter referred to as Dewey) in view of Suganuma, Tomoyuki et al. (US 5666511 A, hereafter referred to as Suganuma).

See Paper No. 6 for detailed action of prior rejections.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

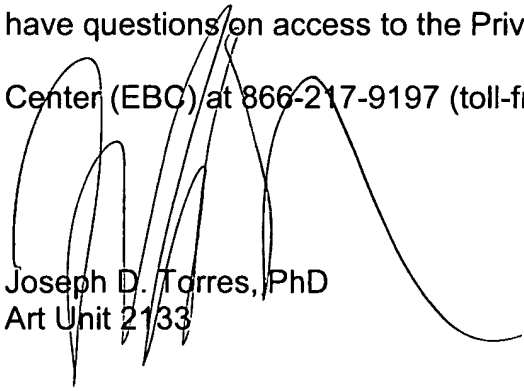
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

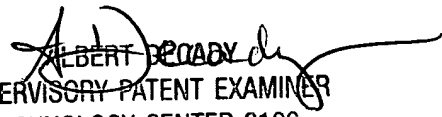
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Torres whose telephone number is (703) 308-7066. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (703) 305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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